

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Francisco Jose Rico Novella et al

Confirmation: 3474

Appln. No.: 10/501,211

Filed:

For: METHOD OF SENDING AND VALIDATING DOCUMENTS

Attorney Docket No.: 600.004

Customer number: 000058152

REQUEST FOR REINSTATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby makes a Request for Reinstatement of the above Application in response to the Notice of Abandonment dated January 08, 2007.

Applicant states that the above application was inadvertently abandoned due to a USPTO Office error. Applicant notes that there is no fee for a request for reinstatement.

First, the undersigned would like to point out that as soon as she was aware of the abandonment of this application, she personally called in numerous occasions the US PCT Legal Administration. The undersigned talked to

U.S. Application No. 10/501,211

REQUEST FOR REINSTATEMENT

Docket No.: 600.004

Examiners: Jeremy Fleming, Leonard Smith (several times), and Rafael Baccares.

Following one of the Examiner's advice, on January 24, 2007, the undersigned filed a Request to Withdraw Notification of Abandonment and Response to Communication See attachment 1.

Applicant supplies a copy of the correspondence and proof that it was timely mailed to the Office in accordance with the certificate of mailing requirements of 37 C.F.R. §1.8, showing a signed certificate of mailing.

Furthermore, the undersigned contacted Examiner Leonard Smith on March 02, 2007. After the telephone conversation with Examiner Smith, the undersigned faxed copies of the Request for Withdraw faxed to the USPTO on January 24, 2007. See attachment 2

A copy of the Fax confirmation receipt from the undersigned fax machine is attached. (Attachment 3)

Please note that a person from the PCT Legal Department called the undersigned to requesting the undersigned to re-send the fax of March 02, 2007. Unfortunately, the undersigned failed to write her name.

The undersigned diligent followed the status of the application and took all necessary steps to withdraw the abandonment of the application within two months from the Notice of Abandonment.

REQUEST FOR REINSTATEMENT

Docket No.: 600.004

Unfortunately, the application remains abandoned and the document faxed to the USPTO on January 24, 2007 and March 02, 2007 were not entered into the USPTO system. In view of the above, the undersigned is filing the present Request for Reinstatement.

**Regarding the Notification of Abandonment**

According to the Notification of Abandonment, the application was abandoned because Applicant failed to respond to the notification of missing requirements mailed February 28, 2005.

The undersigned is submitting herewith the Communication issued by the USPTO on June 21, 2006 (attachment C). In the Communication, **it is clearly indicated** that applicant timely filed a response to the Communication of February 28, 2005, on April 21, 2005. See highlighted section on page 1.

In addition, the Communication clearly indicated that the Notification of Missing Requirements issued on January 12, 2006 was an error and the Communication was **vacated** by Examiner John Chapman. See highlighted section on page 2.

According to the Communication of June 21, 2006, Applicant was **only** required to pay additional fees of \$870.00 within two months from the communication to complete the application.

A response to the Communication of June 21, 2006, was filed on October 20, 2006 (with two months extension fees).

U.S. Application No. 10/501,211

REQUEST FOR REINSTATEMENT

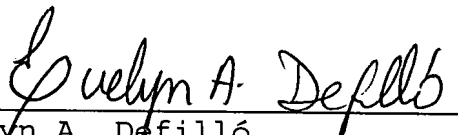
Docket No.: 600.004

The undersigned is not providing a copy of the response because the response has been entered into the USPTO system.

In view that Applicants had provided the USPTO with all the requirements in this case, Applicants respectfully request that the USPTO withdraw the Notification of Abandonment and reinstatement of the application.

Respectfully submitted,

DEFILLO & ASSOCIATES  
P.O. Box 14104  
Clearwater, FL 33766

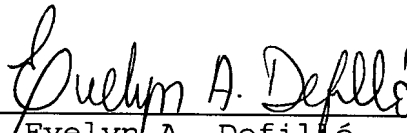
  
Evelyn A. Defillo  
Registration No. 45,630

727 772-5916 telephone

Date: May 18, 2007

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing request for reinstatement for U.S. Application No. 10/501,211, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop PCT Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on May 18, 2007.

  
Evelyn A. Defillo

# DEFILLO & ASSOCIATES, INC.

4922 Eagle Cove South Drive  
Palm Harbor, FL 34685  
727 772-5916 telephone  
727 789-6477 facsimile

edefillo@tampabay.rr.com

**Fax**

*Attachment 2*

**COPY**

**To:** Mr. Leonard Smith  
PCT Legal Examiner  
USPTO

**From:** Evelyn A. Defillo

---

**Fax:** 571 273-0459

**Pages:** 32

---

**Phone:** 571 272-3297

**Date:** 3/2/2007

---

**Re:** US Application No. 10/501,211

**CC:**

Missing responses

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☒ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

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Dear Mr. Smith,

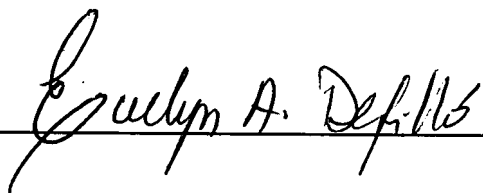
It was a pleasure talking to you yesterday.

As indicated during our telephone conversation, for some strange reason THE LAST TWO RESPONSES sent to the USPTO regarding this case, had not been scanned by the USPTO.

Attached please find copies of the response filed on January 24, 2007 to the USPTO Communication of January 05, 2007. The response included a copy of the USPTO stamped postcard confirming receipt of the response filed on October 20, 2006. Please note that according to the USPTO, that response was not file.

I also have the credit card statement that confirm that the USPTO received the fees sent along with the response field October 20, 2006. If you need a copy of the same, please let me know.

It is evident that the USPTO misplaced all the papers. The undersigned respectfully request that the USPTO to withdraw the Notification of Abandonment on this case.

  
\_\_\_\_\_  
Evelyn A. Defillo

hp LaserJet 3030

DEFILLO & ASSOCIATES  
727 789 6477  
Mar-2-2007 11:08AM



Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
128	3/ 2/2007	11:01:27AM	Send	15712730459	6:39	32	OK

**DEFILLO & ASSOCIATES, INC.**

4922 Eagle Cove South Drive  
Palm Harbor, FL 34685  
727 772-5916 telephone  
727 789-6477 facsimile

edefillo@tampabay.rr.com

**Fax**

To: Mr. Leonard Smith  
PCT Legal Examiner  
USPTO

From: Evelyn A. Defillo

From: 571 273-0459

Pages: 32

Phone: 571 272-3297

Date: 3/2/2007

Re: US Application No. 10/501,211

CC:

Missing responses

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Mr. Smith,

It was a pleasure talking to you yesterday.

As indicated during our telephone conversation, for some strange reason THE LAST TWO RESPONSES sent to the USPTO regarding this case, had not been scanned by the USPTO.

Attached please find copies of the response filed on January 24, 2007 to the USPTO Communication of January 05, 2007. The response included a copy of the USPTO stamped postcard confirming receipt of the response filed on October 20, 2006. Please note that according to the USPTO, that response was not file.

I also have the credit card statement that confirm that the USPTO received the fees sent along with the response filed October 20, 2006. If you need a copy of the same, please let me know.

It is evident that the USPTO misplaced all the papers. The undersigned respectfully request that the USPTO to withdraw the Notification of Abandonment on this case.

*Attachment 3*

**COPY**

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Francisco Jose Rico Novella et al

Confirmation: 3474

Appln. No.: 10/501,211

**COPY**

Filed:

For: METHOD OF SENDING AND VALIDATING DOCUMENTS

Attorney Docket No.: 600.004

Customer number: 000058152

*Attachment  
1*

**REQUEST TO WITHDRAW NOTIFICATION OF ABANDONMENT AND  
RESPONSE TO COMMUNICATION**

**Mail Stop PCT LEGAL ADMINISTRATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

The present is responsive to the Communication dated January 05, 2007, (a copy of which is attached hereto as attachment A) and the Notification of Abandonment dated January 08, 2007, (a copy of which is attached as attachment B).

Applicants submit herewith:

- 1) A copy of the Communication issued by the USPTO on June 21, 2006 (attachment C);

U.S. Application No. 10/501,211  
REQUEST TO WITHDRAW NOTIFICATION OF ABANDONMENT and  
RESPONSE TO COMMUNICATION

Docket No.: 600.004

2) A copy of the response to the Communication of June 21, 2006 filed on October 20, 2006 (attachment D);

3) A copy of the USPTO stamped postcard confirming receipt of the response filed on October 20, 2006 (attachment E).

**Regarding the Notification of Abandonment**

According to the Notification, the application is abandoned because Applicant failed to respond to the notification of missing requirements mailed February 28, 2005.

Applicants are submitting herewith the Communication issued by the USPTO on June 21, 2006 (attachment C). In the Communication, **it is clearly indicated** that applicant timely filed a response to this Communication on April 21, 2005. See highlighted section on page 1.

**In addition, the Communication clearly indicated that the Notification of Missing Requirements issued on January 12, 2006 was an error and the Communication was vacated by Examiner John Chapman.** See highlighted section on page 2.

**According to the Communication, the Applicant only was required to pay additional fees of \$870.00 within two months from the communication to complete the application.**

A copy of the response to the Communication of June 21, 2006 filed on October 20, 2006 (with two months extension fees) is provided as attachment D, along with a copy of the USPTO **stamped** postcard confirming receipt of



U.S. Application No. 10/501,211  
REQUEST TO WITHDRAW NOTIFICATION OF ABANDONMENT and  
RESPONSE TO COMMUNICATION

Docket No.: 600.004

the response filed on October 20, 2006 (attachment E). Please note that the response included 6 Power of Attorney (POA) and correspondence address forms duly executed by the inventors. The POA gave permission to the undersigned to take over representation in the case.

**Applicants are surprised that more than 3 months have passed since the response was filed and the USPTO has not entered the response. Furthermore, Applicants are more surprised to note that even if the response was not entered, the POAs filed with the response have been entered into the system. In addition, applicant's credit card account has been charged with the fees sent to the USPTO along with the response.**

Applicants **strongly believe** that the USPTO has somehow misplaced some of the documents submitted in the response filed on October 20, 2006.

**In view that Applicants had provided the USPTO with all the requirements in this case, Applicants respectfully request that the USPTO withdraw the Notification of Abandonment.**

**Regarding the Communication dated January 05, 2007, (a copy of which is attached hereto as attachment A):**

Applicants believe that the Explanation submitted in the previous paragraphs will be sufficient to demonstrate that the response to the Communication dated June 21, 2006 was indeed filed and the USPTO has misplaced some of the documents.

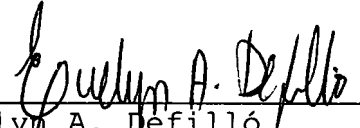
U.S. Application No. 10/501,211  
REQUEST TO WITHDRAW NOTIFICATION OF ABANDONMENT and  
RESPONSE TO COMMUNICATION

Docket No.: 600.004

The Examiner is respectfully requested to acknowledge receipt of the above documents. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

DEFILLO & ASSOCIATES  
4922 Eagle Cove South Drive  
Palm Harbor, FL 34685

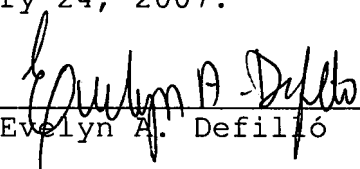
  
\_\_\_\_\_  
Evelyn A. Defillo  
Registration No. 45,630

727 772-5916 telephone

Date: **January 24, 2007**

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing RESPONSE TO COMMUNICATION for U.S. Application No. 10/501,211, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop PCT Legal Administration Department Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on January 24, 2007.

  
\_\_\_\_\_  
Evelyn A. Defillo

5 DEC 2007



United States Patent and Trademark Office

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Evelyn A. DeFillo  
DEFILLO & ASSOCIATES, INC.  
4922 Eagle Cove South Drive  
Palm Harbor, FL 34685

*Attachment A  
pages*

In re Application of  
FRANCISCO JOSE RICO NOVELLA, ET AL.  
Application No.: 10/501,211  
PCT No.: PCT/ES03/00008  
Int. Filing Date: 10 January 2003  
Priority Date: 15 January 2002  
Attorney's Docket No.: 600.004  
For: METHOD OF SENDING AND  
VALIDATING DOCUMENTS

**COPY**

Dear Ms. DeFillo:

This is in response to your communication received 18 December 2006 requesting, inter alia, the status of U.S. application 10/501,211. A response to the "NOTIFICATION OF FEE DUE" mailed 21 June 2006 is not of record in the application file. Attached is a copy of the "NOTIFICATION OF FEE DUE" for your convenience. A proper response accompanied by a request for extension of time accompanied by the appropriate fee is required to avoid abandonment of this application. See 37 CFR 1.136 and 37 CFR 1.17(a).

Leonard Smith  
PCT Legal Examiner  
Office of PCT Legal Administration

JSF/LS:jf

Jeremy Fleming  
Paralegal Specialist  
Office of PCT Legal Administration

Tel: (571) 272-3284  
Fax: (571) 273-0459

Attachment: Copy of "NOTIFICATION OF  
FEE DUE" mailed 21 June 2006.



21 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Rico Novella, Francisco, Jose  
Avda. Europa 42-Local A  
Pozuelo de Alarcon  
Madrid 28224 ES SPAIN

Attachment A  
page 2

In re Application of: Rico Novella et al.  
Application No.: 10/501211  
PCT Application No.: PCT/ES03/00008  
Int. Filing Date: 01 October 2003  
Priority Date Claimed: 15 January 2002  
Attorney Docket No.:  
For: METHOD OF SENDING AND VALIDATING  
DOCUMENTS

NOTIFICATION  
OF FEE DUE

This notice is in response to an inquiry into the status of the above-identified application.

**BACKGROUND**

On 28 February 2005, a Notification of Missing Requirements (PCT/DO/EO/905) was mailed to the applicant, requiring the submission of a translation of the application into the English language, along with the payment of a surcharge of \$130 for the English translation, and setting a time period of two (2) months from the date of the notice or 32 months from the priority date, whichever is later, within which to submit the missing requirements.

On 21 April 2005, applicant filed an English translation along with an authorization to charge the corresponding fee. On 14 July 2005 a second English translation was received, and on 22 November 2005 a \$130 fee was charged to the applicant. The \$130 fee, however, was recorded as payment for a late oath or declaration for a Large Entity (fee code 1617), rather than payment for a late translation (fee code 1618), whereas a declaration had been submitted on 13 July 2004 along with the original papers requesting entry into the national stage in the United States. Moreover, \$65 of the fee was refunded to the applicant to reflect the fee for a late oath or declaration for a Small Entity (fee code 2617).

On 12 January 2006, a Notification of Defective Response (PCT/DO/EO/916) was mailed to the applicant, requiring the payment of additional claim fees of \$780 as a Small Entity, including a multiple dependent claim fee, along with the \$130 fee for a late translation. The Notification required the applicant to complete the response within a time limit of one month

Attachment A  
page 3

from the date of the notice or within the time remaining in the period for response to the Notification of Missing Requirements, whichever is longer. The Notification of Defective Response indicated that no extension of the time limit would be permitted under 37 CFR 1.136, but extension of the period for response set in the Notification of Missing Requirements would be permitted under 37 CFR 1.136(a). The maximum extendable period under 37 CFR 1.136 for response to the Notification of Missing Requirements had expired as of the mailing date of the Notification of Defective Response. Consequently, the Notification of Defective Response effectively set a non-extendable period of one month to respond to the notice.

No response to the Notification of Defective Response mailed 12 January 2006 has been received.

### DISCUSSION

The evidence of record is that a translation of the application into the English language was filed on 21 April 2005 and again on 14 July 2005. An authorization to charge the requisite fee of \$130 for a late translation was received on 21 April 2005, and a fee of \$130 was charged to applicant on 22 November 2005, albeit for a late oath or declaration instead of for a late translation. The fact that the fee of \$130 was given the wrong fee code by the DO/EO should not be held against the applicant, nor should the fact that \$65 of the fee was mistakenly refunded by the DO/EO. The Notification of Missing Requirements did not set forth the requirement for the payment of additional claim fees of \$780 as a Small Entity, including a multiple dependent claim fee. Hence, the evidence of record is that prior to the mailing of the Notification of Defective Response on 12 January 2006, the applicant had filed a complete response to the Notification of Missing Requirements mailed on 28 February 2005. Consequently, the notification on 12 January 2006 indicating that the requirements set forth in the Notification of Missing Requirements had not been completed was in error. Moreover, the notification on 12 January 2006 set forth a new requirement, namely the payment of additional claim fees of \$780, without giving the applicant adequate opportunity in which to respond. Accordingly, the Notification of Defective Response (PCT/DO/EO/916) mailed 12 January 2006 is hereby VACATED.

Applicant needs to furnish an additional claim fee of \$805. (The Notification of Defective Response overlooked one additional claim.) In addition, the applicant needs to resubmit the \$65 of the processing fee for a late translation that was mistakenly returned to the applicant. Hence, the total fee required for this application is \$870 for a Small Entity. The applicant is hereby required to submit the \$870 fee within TWO (2) MONTHS from the date of this notice. This period for response may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

### CONCLUSION

The Notification of Defective Response (PCT/DO/EO/916) mailed 12 January 2006 is VACATED.

The applicant is required to submit the **\$870** fee within **TWO (2) MONTHS** from the date of this notice. This period for response may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The application has an International Filing Date under 35 U.S.C. 363 of 01 October 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 21 April 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) to await a response. Failure to properly respond will result in abandonment.

A copy of this notice **MUST** be returned with the response.



John Chapman  
PCT Legal Administration Detailee  
Telephone: 571-272-6095  
Facsimile: 571-273-0459



Richard Cole  
PCT Legal Examiner  
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/501,211

Francisco Jose Rico Novella

INTERNATIONAL APPLICATION NO.

PCT/ES03/00008

I.A. FILING DATE

01/10/2003

PRIORITY DATE

01/15/2002

58152  
DEFILLO & ASSOCIATES, INC.  
4922 EAGLE COVE SOUTH DRIVE  
PALM HARBOR, FL 34685

*Attachment B  
page 1*

CONFIRMATION NO. 3474

371  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000021883461\*

Date Mailed: 01/08/2007

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/28/2005 within the time period set therein.

COPY

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



21 JUN 2006

#9

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Rico Novella, Francisco, Jose  
Avda. Europa 42-Local A  
Pozuelo de Alarcon  
Madrid 28224 ES SPAIN

Attachment  
0  
page 1

In re Application of: Rico Novella et al.  
Application No.: 10/501211  
PCT Application No.: PCT/ES03/00008  
Int. Filing Date: 01 October 2003  
Priority Date Claimed: 15 January 2002  
Attorney Docket No.:  
For: METHOD OF SENDING AND VALIDATING  
DOCUMENTS

NOTIFICATION  
OF FEE DUE

COPY

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**BACKGROUND**

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On 21 April 2005, applicant filed an English translation along with an authorization to charge the corresponding fee. On 14 July 2005 a second English translation was received, and on 22 November 2005 a \$130 fee was charged to the applicant. The \$130 fee, however, was recorded as payment for a late oath or declaration for a Large Entity (fee code 1617), rather than payment for a late translation (fee code 1618), whereas a declaration had been submitted on 13 July 2004 along with the original papers requesting entry into the national stage in the United States. Moreover, \$65 of the fee was refunded to the applicant to reflect the fee for a late oath or declaration for a Small Entity (fee code 2617).

On 12 January 2006, a Notification of Defective Response (PCT/DO/EO/916) was mailed to the applicant, requiring the payment of additional claim fees of \$780 as a Small Entity, including a multiple dependent claim fee, along with the \$130 fee for a late translation. The Notification required the applicant to complete the response within a time limit of one month



from the date of the notice or within the time remaining in the period for response to the Notification of Missing Requirements, whichever is longer. The Notification of Defective Response indicated that no extension of the time limit would be permitted under 37 CFR 1.136, but extension of the period for response set in the Notification of Missing Requirements would be permitted under 37 CFR 1.136(a). The maximum extendable period under 37 CFR 1.136 for response to the Notification of Missing Requirements had expired as of the mailing date of the Notification of Defective Response. Consequently, the Notification of Defective Response effectively set a non-extendable period of one month to respond to the notice.

Attachment  
page 2

No response to the Notification of Defective Response mailed 12 January 2006 has been received.

### DISCUSSION

The evidence of record is that a translation of the application into the English language was filed on 21 April 2005 and again on 14 July 2005. An authorization to charge the requisite fee of \$130 for a late translation was received on 21 April 2005, and a fee of \$130 was charged to applicant on 22 November 2005, albeit for a late oath or declaration instead of for a late translation. The fact that the fee of \$130 was given the wrong fee code by the DO/EO should not be held against the applicant, nor should the fact that \$65 of the fee was mistakenly refunded by the DO/EO. The Notification of Missing Requirements did not set forth the requirement for the payment of additional claim fees of \$780 as a Small Entity, including a multiple dependent claim fee. Hence, the evidence of record is that prior to the mailing of the Notification of Defective Response on 12 January 2006, the applicant had filed a complete response to the Notification of Missing Requirements mailed on 28 February 2005. Consequently, the notification on 12 January 2006 indicating that the requirements set forth in the Notification of Missing Requirements had not been completed was in error. Moreover, the notification on 12 January 2006 set forth a new requirement, namely the payment of additional claim fees of \$780, without giving the applicant adequate opportunity in which to respond. Accordingly, the Notification of Defective Response (PCT/DO/EO/916) mailed 12 January 2006 is hereby **VACATED**.

Applicant needs to furnish an additional claim fee of \$805. (The Notification of Defective Response overlooked one additional claim.) In addition, the applicant needs to resubmit the \$65 of the processing fee for a late translation that was mistakenly returned to the applicant. Hence, the total fee required for this application is **\$870** for a Small Entity. **The applicant is hereby required to submit the \$870 fee within TWO (2) MONTHS from the date of this notice.** This period for response may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

### CONCLUSION

The Notification of Defective Response (PCT/DO/EO/916) mailed 12 January 2006 is **VACATED**.

The applicant is required to submit the \$870 fee within TWO (2) MONTHS from the date of this notice. This period for response may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

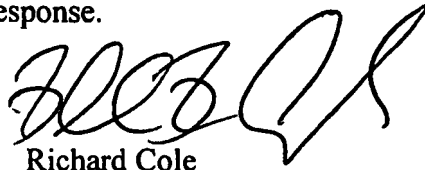
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This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) to await a response. Failure to properly respond will result in abandonment.

A copy of this notice MUST be returned with the response.



John Chapman  
PCT Legal Administration Detailee  
Telephone: 571-272-6095  
Facsimile: 571-273-0459



Richard Cole  
PCT Legal Examiner  
Office of PCT Legal Administration

Attadment  
page 3

IAP13 Rec'd PCT/PTO 23 OCT 2006

~~File~~ Docket No.: 600,004 Serial No.: 10/501,211 Filing Date: \_\_\_\_\_

Applicant: Pico Novella et al.

Title/Mark: Method of Sending and Validating Documents

THE MAIL ROOM STAMP BELOW ACKNOWLEDGES RECEIPT OF THE FOLLOWING DOCUMENTS ON THE DATE INDICATED ON THE MAIL ROOM STAMP.

- |  |  |
|--|--|
| <input type="checkbox"/> Appl'n for Patent/PCT with:   | <input type="checkbox"/> Appl'n for TM/SM with Drawing and _____                 |
| ___ pg of specification  | specimens of the mark  |
| ___ pg of Claims   | <input type="checkbox"/> Appl'n for Copyright Registration and _____             |
| ___ pg of Drawings Informal/Formal   | deposits.  |
| ___ pg of Abstract-  | <input checked="" type="checkbox"/> Request for <u>2</u> month Extension of Time |
| <input type="checkbox"/> Power of Attorney   | <input type="checkbox"/> Base Issue Fee Forms                                    |
| <input type="checkbox"/> Inventor's Declaration  | <input type="checkbox"/> Status Inquiry  |
| <input checked="" type="checkbox"/> <u>6</u> Power of Attorney and <sup>(PTO)</sup> <u>(58181)</u> | <input checked="" type="checkbox"/> <u>Response to communication</u>             |
| <input type="checkbox"/> Correspondence address form   | <input checked="" type="checkbox"/> <u>copy of communication</u>                 |
| <input type="checkbox"/> Information Disclosure Statement  | <input checked="" type="checkbox"/> <u>Credit card form</u>                      |
| <input checked="" type="checkbox"/> Amendment <u>Preliminary</u>                                   | <input type="checkbox"/> Certificate of Mailing Date of <u>10/20/06</u>          |
| <input type="checkbox"/> Assignment  | Express Mail No.: _____  |
| <input type="checkbox"/> Letter to Draftsman   | <input checked="" type="checkbox"/> Check No.: _____ \$ <u>1,095.00</u>          |
| ___ pg of Informal Drawings  |  |
| ___ pg of Formal Drawings  |  |

X clean version of specification  
X Mark up version of specification

credit card

Attachment E

COPY

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Francisco Jose Rico Novella et al

Confirmation: 3474

Appln. No.: 10/501,211

Filed:

For: METHOD OF SENDING AND VALIDATING DOCUMENTS

Attorney Docket No.: 600.004

Customer number: 000058152

*Attachment D*

**RESPONSE TO COMMUNICATION**

**Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**COPY**

Sir:

The present is responsive to the Communication dated June 21, 2006, (a copy of which is attached hereto), setting a two (2) month period for response, the period for response extended to October 21, 2006, by a Petition for a Two Months' (2 Months) Extension filed herewith.

Applicants submit herewith:

1. **A processing fees of \$870.00 as required by the Communication;**
2. **Six Revocation and Power of Attorney with New Attorney and Change of Correspondence Address**

**documents each one duly executed by the  
corresponding inventor;**

- 3. A Preliminary Amendment;**
- 4. A petition for 2 Months extension of time under  
37 CFR §1.136 and payment of fee under 37 CFR  
§1.17**

All correspondence should now be directed to:

Evelyn A. Defillo  
Defillo & Associates, Inc.  
4922 Eagle Cove South drive  
Palm Harbor, FL 34685  
(727) 772-5916

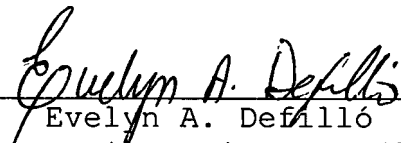
The Examiner is respectfully requested to acknowledge receipt of the above documents. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

DEFILLO & ASSOCIATES  
4922 Eagle Cove South Drive  
Palm Harbor, FL 34685

727 772-5916 telephone

Date: **October 20, 2006**

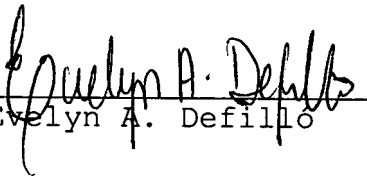
  
\_\_\_\_\_  
Evelyn A. Defillo  
Registration No. 45,630

U.S. Application No. 10/501,211  
RESPONSE TO COMMUNICATION

Docket No.: 600.004

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing RESPONSE TO COMMUNICATION for U.S. Application No. 10/501,211, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop PCT Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on **October 20, 2006.**

  
\_\_\_\_\_  
Evelyn A. Defillo

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**United States Patent and Trademark Office**  
**Credit Card Payment Form**  
**Please Read Instructions before Completing this Form**

**Credit Card Information**

**Credit Card Type:** ☐ Visa ☒ MasterCard ☐ American Express ☐ Discover

**Credit Card Account #:** [REDACTED]

**Credit Card Expiration Date:** 11/30/2007

**Name as it Appears on Credit Card:** Evelyn A. DeFillo

**Payment Amount: \$ (US Dollars):** \$1,095.00

**Cardholder Signature:** Evelyn A. DeFillo

**Date:** October 20, 2006

**Refund Policy:** The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

**Service Charge:** There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)).

**Credit Card Billing Address**

**Street Address 1:** 4922 Eagle Cove South Drive

**Street Address 2:**

**City:** Palm Harbor

**State/Province:** FL

**Zip/Postal Code:** 34686

**Country:** US

**Daytime Phone:** 727 789-5916

**Fax #:** 727 789-6477

**Request and Payment Information**

**Description of Request and Payment Information:**

**Additional Fees**

☒ **Patent Fee**

☐ **Patent Maintenance Fee**

☐ **Trademark Fee**

☐ **Other Fee**

**Application No.**  
10/501,211

**Application No.**

**Application No.**

**IDON Customer No.**

**Patent No.**

**Patent No.**

**Registration No.**

**Attorney Docket No.**  
600.004

**Identify or Describe Mark**

*If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.*

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Francisco Jose Rico Novella et al

Confirmation: 3474

Appln. No.: 10/501,211

Filed:

For: METHOD OF SENDING AND VALIDATING DOCUMENTS

Attorney Docket No.: 600.004

Customer number: 000058152

**PETITION FOR EXTENSION OF TIME**  
**UNDER 37 C.F.R. §1.136 AND**  
**PAYMENT OF FEE UNDER 37 C.F.R. §1.17**

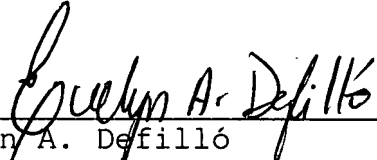
Mail Stop: PCT  
Commissioner for Patents  
P. O. Box 1450  
Arlington, VA 22313-1450

Sir:

Applicant hereby petitions for an extension of time of two **months (2 months)**, extending the response period from the Communication dated June 21, 2006, from August 21, 2006 to October 21, 2006. The appropriate fee under 37 C.F.R. §1.17(a) of \$225.00 is enclosed.

Respectfully submitted,

DEFILLO & ASSOCIATES  
4922 Eagle Cove South Drive  
Palm Harbor, FL 34685

  
\_\_\_\_\_  
Evelyn A. Defilló  
Registration No. 45,630

727 772-5916 telephone

Date: October 20, 2006




U.S. Application No. 10/501,211  
PETITION FOR EXTENSION OF TIME

Docket No.: 600.004

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing PETITION FOR EXTENSION OF TIME, for U.S. Application No. 10/501,211, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop PCT Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on October 20, 2006.

  
\_\_\_\_\_  
Evelyn A. Defillo

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Francisco Jose Rico Novella et al

Confirmation: 3474

Appln. No.: 10/501,211

Filed:

For: METHOD OF SENDING AND VALIDATING DOCUMENTS

Attorney Docket No.: 600.004

Customer number: 000058152

**PRELIMINARY AMENDMENT**

Mail Stop: PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Prior to examination of the above-identified application, please amend the application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 11 of this paper.

U.S. Application No. 10/501,211  
PRELIMINARY AMENDMENT

Docket No.: 600.004

**IN THE SPECIFICATION:**

Please replace the original specification with the attached specification.

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

Claims 1-27 (cancel)

28. (New) A system for sending and validating documents using authentication codes and portable verifier elements which can process and store information and which offer a high level of protection against unauthorized readers and writers, the system comprising:

- an authentication code for a particular portable verifier device;

- a portable verifier device to receive the document authentication code;

- at least one portable verifier device operator to encrypt the document to be decrypted by the portable verifier device;

- at least one key loaded into the portable verifier device;

- a document portal to select and/or purchase the document;

- a reader/verifier/recorder to read the document authentication code, transmit it to the portable verifier device, receive the response, decrypts a reader operator using the corresponding code, and validates or rejects the document;

- wherein the reader operator encrypts the document using the key of the group of readers/verifiers/recorders in charge of validating the document;

- wherein the authentication code is indicated directly or indirectly by a person requesting the document;

wherein no data record of any type is required in the portable verifier device up to the point at which the document is validated;

wherein the portable verifier device is actively involved in the validation; and

wherein the portable verifier device contains a stored list of validated documents such that it is possible to determine, at least, whether or not this is a first validation.

29. (New) The system according to claim 28 wherein the portable verifier device is individualized by the sender using one or more keys of the portable verifier device;

wherein the document is generated from a document portal and the data considered relevant is coded using the key that corresponds to the group of readers/verifiers/recorders involved in the validation of the document, so that the first cryptographic operation can be carried out.

wherein a second cryptographic operation is linked to the first cryptographic operation and includes the key corresponding to the portable verifier device associated with the document,

wherein an authentication code is created for the document and is incorporated therein as a result of these cryptographic operations;

wherein the document is checked by the reader and its authentication code and a third cryptographic operation is carried out to verify those already employed to generate the document;

wherein the portable verifier contains a list of validated documents such that it is possible to determine whether or not this is the first validation.

30. (New) The system according to claim 29 wherein the individualization phase of the portable verifier devices is carried out by storing one or more portable verifier device keys, which must be an symmetric or secret key encryption algorithm;

wherein the first and second cryptographic operations are made up of two encryptions using a symmetric cryptographic algorithm, one using the key of the group of readers/verifiers/recorders involved in the validation of the document and the other using the key that corresponds to the portable verifier device associated with the document;

wherein the third cryptographic operations includes decrypting, by the portable verifier device using its corresponding key of the document's authentication code and the subsequent decryption, carried out by the aforementioned reader/verifier/recorder and its corresponding code.

31. (New) The system according to claim 28 wherein the portable verifier devices is individualized by storing one or more portable verifier device keys, which must be the secret keys of an asymmetric or public key cryptographic algorithm;

wherein the first and second cryptographic operations are based on public key cryptography which is composed of a digital signature with a secret key, and the readers/verifiers/recorders involved in the validation of the document will know its corresponding public key, and an encryption using the corresponding public key of the portable verifier device associated with the document;

wherein the third cryptographic operations is based on a public key cryptography composed of a decryption using the secret key corresponding to the portable verifier device associated with the document and the verification of the signature, using the corresponding public key stored in the readers/verifiers/recorders.

32. (New) The system according to claim 29 wherein the portable verifier devices is individualized by storing one or more portable verifier device keys, which must be the secret keys of an asymmetric or public key cryptographic algorithm;

wherein the first and second cryptographic operations are based on public key cryptography which is composed of air encryption using the public key of the readers/verifiers/recorders involved in the validation of the document, and an encryption using the corresponding public key of the portable verifier device associated with the document; and

wherein the third cryptographic operations is based on public key cryptography composed of a decryption using the secret key corresponding to the portable verifier device associated with the document and a decryption using the secret key of the readers/verifiers/recorders.

33. (New) The system according to claim 29 wherein the portable verifier devices is individualized by storing one or more portable verifier device keys, which are the public keys of an asymmetric or public key cryptographic algorithm;

wherein the first and second cryptographic operation are based on public key cryptography which includes a digital

signature using the secret key that corresponds to the public key stored in the readers/verifiers/recorders involved in the validation of the document and another digital signature using the secret key corresponding to the appropriate individualization key stored in the portable verifier device associated with the document; and

wherein the third cryptographic operations is based on public key cryptography composed of the verification of the signature by the portable verifier device associated with the document using the appropriate individualization key and a second verification of the signature using the public key of the readers/verifiers/recorder.

34. (New) The system according to claim 29 wherein the portable verifier device is individualized by storing one or more portable verifier device keys, which must be the public keys of an asymmetric or public key cryptographic algorithm;

wherein the first and second cryptographic operations are based on public key cryptography which is composed of an encryption using the public key corresponding to the secret key stored in the readers/verifiers/recorders involved in the validation of the document and a digital signature using the secret key corresponding to the appropriate individualization key stored in the portable verifier device associated with the document;

wherein the third cryptographic operations will be based on public key cryptography composed of the verification of the signature by the portable verifier device associated with the document using the appropriate individualization key and a



decryption using the secret key corresponding to the readers/verifiers/recorders.

35. (New) The system according to claim 34 wherein the document is check before the document is validated.

36. (New) The system according to claim 35 wherein the reader/verifier/recorder is informed if the document to be validated in is already included in the list of validated documents so that it can proceed as appropriate.

37. (New) The system according to claim 36 wherein the document to be validated is included in the list of validated documents, provided it was not already there, and the corresponding cryptographic operation will he carried out when reversing, and/or checking the cryptographic operation corresponding to the portable verifier device, and the result is sent to the reader/verifier/recorder so that it can proceed as appropriate.

38. (New) The system according to claim 29 wherein the cryptographic authentication established between the portable verifier device and the reader/verifier/recorder is mutual and firm.

39. (New) The system according to claim 38 wherein a cooperative and random session key is established between the portable verifier device and the reader/verifier/recorder and is used to encrypt the pertinent messages between the two.

40. (New) The system according to claim 28 wherein the portable verifier device is individualized by the senders using one or more keys obtained from the encryption of the serial number with one or more master keys chosen by the portable verifier device operators, so that the master key of each operator and the portable verifier device corresponds to the identifier, which should be legible by the user.

41. (New) The system according to claim 28 wherein the reader/verifier/recorder has been adapted to send information, accepting or rejecting the document and stating the reason why.

42. (New) The system according to claim 28 wherein the reader/verifier/recorder keys are common to the group of readers.

43. (New) The system according to claim 28 wherein the keys stored in the readers/verifiers/recorders are obtained by encrypting the identifiers, or parts of these, using the master keys chosen by the operators.

44. (New) The system according to claim 28 wherein the document has an expiry date, this will be included in the authentication code, so that they can be eliminated from the list of validated documents stored in the portable verifier once this date has passed.

45. (New) The system according to claim 44 wherein the portable verifier device receives the date expired document to be deleted

from the list of validated documents through a digital certificate sent by a competent body.

46. (New) The system according to claim 28 wherein the document and/or authentication code are selected and obtained through internet.

47. (New) The system according to claim 28 wherein the document authentication code is send to the user's mobile telephone.

48. (New) The system according to claim 28 wherein the document's authentication code is send to the user's electronic agenda or any other similar device belonging to the user.

49. (New) The system according to claim 28 wherein the authentication code can be printed through a barcode.

50. (New) The system according to claim 28 wherein the authentication code can be printed through one or more barcodes.

51. (New) The system according to claim 28 wherein the authentication code can be printed through an alphanumerical code.

52. (New) The system according to claim 28 wherein the authentication code can be printed through a dot code.

53. (New) The system according to claim 49 wherein the authentication code can also be printed through an

U.S. Application No. 10/501,211  
PRELIMINARY AMENDMENT

Docket No.: 600.004

alphanumeric code so that it can be keyed in manually in the event the automatic reading code deteriorates.

54. (New) The system according to claim 49 wherein the barcodes include the correct reading order.

**REMARKS**

The Specification and Claims have been amended in order to conform the application to U.S. practice.

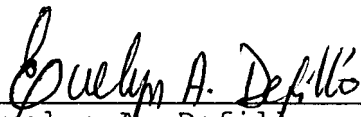
Claims 1-27 have been canceled. Claims 28-54 have been added. Support for Claims 28-54 can be found on Claims 1-27 as originally filed.

Care has been taken to ensure that no new matter is added to the Specification or the Claims.

Entry and favorable consideration prior to consideration are respectfully requested.

Respectfully submitted,

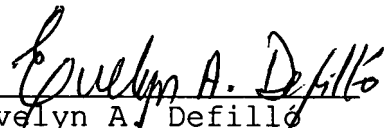
DEFILLO & ASSOCIATES, Inc.  
4922 Eagle Cove South Drive  
Palm Harbor, Florida 34685  
(727) 772-5916

  
\_\_\_\_\_  
Evelyn A. Defillo  
Registration No. 45,630

Date: October 20, 2006.

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing PRELIMINARY AMENDMENT for U.S. Application No. 10/501,211, was deposited in first class U.S. mail, with sufficient postage, addressed to: Mail Stop PCT Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on October 20, 2006.

  
\_\_\_\_\_  
Evelyn A. Defillo



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/501,211

Francisco Jose Rico Novella

INTERNATIONAL APPLICATION NO.

PCT/ES03/00008

I.A. FILING DATE

PRIORITY DATE

01/10/2003

01/15/2002

Rico Novella, Francisco, Jose  
 Avda. Europa 42-Local A  
 Pozuelo de Alarcon  
 Madrid, 28224  
 SPAIN

*Attachment*

CONFIRMATION NO. 3474

371 FORMALITIES LETTER



\*OC000000017815481\*

Date Mailed: 01/12/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/13/2004
- English Translation of the IA filed on 07/14/2004
- Copy of the International Search Report filed on 07/13/2004
- Oath or Declaration filed on 07/13/2004
- Request for Immediate Examination filed on 07/13/2004
- U.S. Basic National Fees filed on 07/13/2004
- Priority Documents filed on 07/13/2004

Applicant's response filed 07/14/2004 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2005 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$780** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$910** for a Small Entity:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

- \$130 for English translation surcharge not received in full.
- Total additional claim fee(s) for this application is \$ 780

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

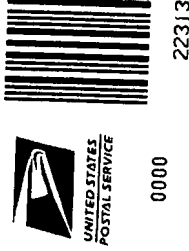
Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,211	PCT/ES03/00008	

FIRST-CLASS  
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FIRST-CLASS

DEFILLO & ASSOCIATES, INC  
P.O. BOX 14104  
CLEARWATER, FL 33766-4104



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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

